



U.S. Department of Justice

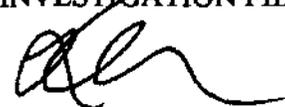
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

October 25, 2001

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS' OFFICES
ALL FEDERAL BUREAU OF INVESTIGATION FIELD OFFICES

FROM: THE DEPUTY ATTORNEY GENERAL 
SUBJECT: Authority of Anti-Terrorism Task Force Operations

On September 17, 2001, the Attorney General issued an anti-terrorism directive that tasked each United States Attorney with coordinating operations of the Anti-Terrorism Task Force ("ATTF") within each district. The responsibilities of the United States Attorney and his or her Anti-Terrorism Coordinator include the following: (1) convening and establishing the agenda for task force meetings; (2) ensuring that the participating state, local and federal agencies work in a coordinated fashion and freely share information; (3) developing a consensus among the task force members about investigative and prosecutive priorities and strategy; (4) collaborating with the National Anti-Terrorism Coordinators about priorities and strategy; and (5) ensuring that the member agencies maintain a long-term focus on anti-terrorism after the initial reaction to the September 11th attacks subsides.

Questions have been raised about the extent of the United States Attorneys' authority over task force operations, and specifically about their role in investigative activities that are not related to an ongoing prosecution. I will answer those questions with this memorandum.

I liken the role of the United States Attorney on the ATTF to that of an Assistant United States Attorney ("AUSA") who becomes involved in a case prior to an arrest, and therefore before the investigation officially turns into a prosecution. When an AUSA becomes involved at such a stage, he or she does not supplant the case agent as the primary investigator on the case. The case agent retains the responsibility for managing the investigation, and the AUSA simply provides guidance to ensure that the investigation aligns with the strategy for the ultimate prosecution. Similarly, the United States Attorney's role on the Anti-Terrorism Task Force is not to dictate how the member agencies carry out their investigative work, but rather to ensure that the work of each task force is directed, effective and consistent with the national anti-terrorism strategy. The United States Attorney is to coordinate task force operations, but to do so without jeopardizing the investigative initiative and operational independence of the investigating agencies.

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This allocation of coordinating authority between the United States Attorney and the investigating agencies will apply equally to those districts in which an FBI Joint Terrorism Task Force ("JTTF") was already operating before the ATTFs began as well as to those districts that have never had a JTTF. In those districts that currently have a JTTF, however, the allocation of operational authority will be more strictly defined, in recognition of the FBI's established presence and leadership role in those districts. While the JTTFs will certainly "participate as members of the Anti-Terrorism Task Force," as directed by the Attorney General, the FBI leadership in those districts will retain and exercise primary operational authority, in coordination and consultation with the ATTF and the United States Attorney's Anti-Terrorism Coordinator, over all JTTF investigative activities that are not related to an ongoing prosecution. In all other districts, the United States Attorney and the FBI will jointly coordinate ATTF investigative activities in accordance with the paradigm described above.

I trust that this memorandum answers any concerns about the allocation of responsibility between the United States Attorneys' Offices and the FBI Field Offices in the Department's campaign against terrorism. Thank you for all your hard work, and for your dedication to the cause of protecting our country against terrorism.